

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FREDERICK MICHAEL  
CAMPBELL,

Defendant.

CR 14-80-GF-BMM-JTJ

**FINDINGS AND  
RECOMMENDATIONS**

**I. Synopsis**

Defendant Frederick Michael Campbell (Campbell) has been accused of violating the conditions of his supervised release. Campbell admitted all of the alleged violations. Campbell's supervised release should be revoked. Campbell should receive a term of custody of time served, with 6 months of supervised release to follow. Campbell should serve the first 60 days of supervised release at the Alternatives drug treatment facility in Billings, Montana. Campbell should report to the United States Probation Office in Glasgow, Montana, by 4:00 p.m on March 14, 2019.

**II. Status**

Campbell pleaded guilty to Theft on November 10, 2014. (Doc. 38). The

Court sentenced Campbell to 4 months of custody, followed by 3 years of supervised release. (Doc. 49). Campbell's current term of supervised release began on April 12, 2016. (Doc. 110 at 1).

### **Petition**

The United States Probation Office filed a Petition on February 4, 2019, requesting that the Court revoke Campbell's supervised release. (Doc. 110). The Petition alleged that Campbell had violated the conditions of his supervised release: 1) by failing to report for substance abuse testing; 2) by failing to report for substance abuse treatment; and 3) by using methamphetamine.

### **Initial appearance**

Campbell appeared before the undersigned for his initial appearance on March 13, 2019. Campbell was represented by counsel. Campbell stated that he had read the petition and that he understood the allegations. Campbell waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

### **Revocation hearing**

The Court conducted a revocation hearing on March 13, 2019. Campbell admitted that he had violated the conditions of his supervised release: 1) by failing to report for substance abuse testing; 2) by failing to report for substance abuse

treatment on January 30, 2019; and 3) by using methamphetamine. The violations are serious and warrant revocation of Campbell's supervised release.

Campbell's violations are Grade C violations. Campbell's criminal history category is I. Campbell's underlying offense is a Class D felony. Campbell could be incarcerated for up to 24 months. Campbell could be ordered to remain on supervised release for up to 34 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

### **III. Analysis**

Campbell's supervised release should be revoked. Campbell should receive a term of custody of time served, with 6 months of supervised release to follow. This sentence is sufficient but not greater than necessary.

### **IV. Conclusion**

The Court informed Campbell that the above sentence would be recommended to Judge Morris. The Court also informed Campbell of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Campbell that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Campbell stated that he wished to waive his right to object to these Findings and Recommendations, and that he

wished to waive his right to allocute before a United States district court judge.

The Court **FINDS:**

That Frederick Michael Campbell violated the conditions of his supervised release: by failing to report for substance abuse testing, by failing to report for substance abuse treatment on January 30, 2019, and by using methamphetamine.

The Court **RECOMMENDS:**

That the District Court revoke Campbell's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of time served, with 6 months of supervised release to follow. Campbell should serve the first 60 days of supervised release at the Alternatives drug treatment facility in Billings, Montana. Campbell should report to the United States Probation Office in Glasgow, Montana, by 4:00 p.m on March 14, 2019.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND  
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO  
OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a

district court judge.

DATED this 14th day of March, 2019.



John Johnston  
United States Magistrate Judge